

# COMMITTEE REPORT

## MR. PRESIDENT:

**The Senate Committee on Legislative Apportionment and Elections, to which was referred House Bill No. 1101, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1       Page 3, between lines 6 and 7, begin a new paragraph and insert:
- 2       "SECTION 5. IC 3-6-4.1-14 IS AMENDED TO READ AS
- 3       FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) In addition to
- 4       other duties prescribed by law, the commission shall do the following:
- 5       (1) Administer Indiana election laws.
- 6       (2) Adopt rules under IC 4-22-2 to do the following:
- 7       (A) Govern the fair, legal, and orderly conduct of elections,
- 8       including the following:
- 9       (i) Emergency rules described in section 16 of this chapter
- 10       to implement a court order requiring the commission, the
- 11       election division, or an election board or official to
- 12       administer an election in a manner not authorized by this
- 13       title.
- 14       (ii) Rules (including joint rules with other agencies when
- 15       necessary) to implement and administer NVRA.
- 16       (B) Carry out IC 3-9 (campaign finance).
- 17       (C) Govern the establishment of precincts under IC 3-11-1.5.
- 18       (D) Specify procedures and fees for the processing of an
- 19       application from a vendor for voting systems approval and
- 20       testing.

1 (E) Prescribe formats for the storage and submission of  
 2 computerized voter registration records by county and state  
 3 agencies or offices.

4 (3) Prescribe a uniform set of election and registration forms for  
 5 use throughout Indiana, except when prescribed by this title.

6 (4) Advise and exercise supervision over local election and  
 7 registration officers.

8 **(5) Investigate and take action on petitions filed under**  
 9 **IC 3-11-2-17.**

10 (b) This section does not divest a county election board of any  
 11 powers and duties imposed on the board in IC 3-6-5, except that if  
 12 there is a deadlock on a county election board, the county election  
 13 board shall submit the question to the commission for final  
 14 determination.

15 SECTION 6. IC 3-7-12-1, AS AMENDED BY P.L.144-2001,  
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 UPON PASSAGE]: Sec. 1. (a) This section does not apply to the  
 18 following counties:

19 (1) A county in which a board of elections and registration is  
 20 established under IC 3-6-5.2 or IC 3-6-5.4.

21 (2) A county in which a board of registration is established  
 22 ~~(A) by this chapter; or~~  
 23 ~~(B)~~ by a county acting under this chapter.

24 (b) The circuit court clerk:

25 (1) is the voter registration officer of each county; and

26 (2) shall supervise the registration of voters of the county.

27 SECTION 7. IC 3-7-12-4 IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE UPON PASSAGE]: Sec. 4. The county executive of a  
 29 county not described in ~~section 2 or 3 of this chapter~~ **IC 3-6-5.2 or**  
 30 **IC 3-6-5.4** may adopt an order to establish a board of registration."

31 Page 8, between lines 32 and 33, begin a new paragraph and insert:

32 "SECTION 15. IC 3-10-6-2.7 IS ADDED TO THE INDIANA  
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2002]: **Sec. 2.7. (a) This section applies to a**  
 35 **town having a population of more than six thousand three hundred**  
 36 **(6,300) but less than ten thousand (10,000) located in a county**  
 37 **having a population of more than one hundred thousand (100,000)**  
 38 **but less than one hundred five thousand (105,000).**

(b) A town that has established staggered terms for its town council may adopt an ordinance during the year preceding a municipal election conducted under section 2 of this chapter changing:

(1) the length of term of office for town legislative body members and the clerk-treasurer elected at a municipal election not conducted in a general election year; and

(2) the time municipal elections are held.

(c) The ordinance described in subsection (b) must provide all the following:

(1) The town legislative body members and the clerk-treasurer elected at the next municipal election not conducted in a general election year serve a term not to exceed four (4) years.

(2) The successors of the town legislative body members and the clerk-treasurer described in subdivision (1) shall be chosen at a general election specified in the ordinance and serve a term of four (4) years.

(3) The municipal elections for town offices shall be held during a general election.

SECTION 16. IC 3-11-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. The nominees of a political party or group of petitioners shall be listed on the ballots **in type with uniform capital letters and with uniform space between each name** under the name and device of the party or petitioners as designated by them in their certificate or petition, or if none is designated, then under some suitable name and device. If the same device for designating candidates is selected by two (2) parties or groups of petitioners, it shall be given to the one (1) that first selected it, and a suitable device shall be selected for the other party or group of petitioners.

SECTION 17. IC 3-11-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 17. (a) **If a member of the county election board has verifiable information that an election ballot for the member's county does not comply with the requirements of this chapter or is not in the form required by law, the member may file a petition with the commission protesting the ballot form not later than five**

(5) days after the member receives the information concerning the election ballot.

(b) The petition must specify the manner in which the election ballot does not comply with the requirements of this chapter or is not in the form required by law, including a reference by citation to the specific statutory requirement involved.

(c) The county election board member who files a petition under subsection (a) shall serve a copy of the petition upon the other members of the county election board and the circuit court clerk, if the clerk is not a member of the county election board, at the time the petition is filed with the commission.

(d) Upon receipt of a petition filed under subsection (a), the commission shall make an investigation in accordance with IC 3-6-4.1-21(b).

(e) If the commission determines there is reason to believe that the election ballot does not comply with the requirements of this chapter or is not in the form required by law, the commission shall hold a hearing under IC 3-6-4.1-25.

(f) If, after the hearing, the commission determines that the ballot fails to comply with one (1) or more of the requirements of this chapter or is otherwise not in the form required by law, the commission shall take the action it considers appropriate under IC 3-6-4.1-21(c).

SECTION 18. IC 3-11-8-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.3. If a precinct contains less than two hundred fifty (250) active voters, (a) The county executive may locate the polls for the a precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct, if all the following apply:

(1) The county election board has adopted a general resolution stating the number of active voters in a precinct that the county election board will use when determining whether to apply this section to a precinct.

(2) The precinct has fewer active voters than the number stated in the resolution described in subdivision (1).

(3) The county election board, by unanimous vote of the board's entire membership, adopts a resolution to locate the polls of the precinct at the adjacent precinct.

1       **(b) A resolution adopted by a county election board under**  
 2       **subsection (a)(3) expires the day after the election to which the**  
 3       **resolution applies."**

4       Page 11, between lines 12 and 13, begin a new paragraph and insert:

5       "SECTION 24. IC 6-1.1-18.5-13.6 IS ADDED TO THE INDIANA  
 6       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 7       [EFFECTIVE UPON PASSAGE]: **Sec. 13.6. For an appeal filed**  
 8       **under section 12 of this chapter, the local government tax control**  
 9       **board may recommend that the department of local government**  
 10       **finance give permission to a county to increase its levy in excess of**  
 11       **the limitations established under section 3 of this chapter if the**  
 12       **local government tax control board finds that the county needs the**  
 13       **increase to pay for:**

14       (1) a new voting system; or

15       (2) the expansion or upgrade of an existing voting system;

16       **under IC 3-11-6.**

17       SECTION 25. IC 6-1.1-18.5-15 IS AMENDED TO READ AS  
 18       FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The ~~state board~~  
 19       ~~of tax commissioners,~~ **department of local government finance**, upon  
 20       receiving a recommendation made under section 13, **13.5, 13.6**, or 14  
 21       of this chapter, shall enter an order adopting, rejecting, or adopting in  
 22       part and rejecting in part the recommendation of the local government  
 23       tax control board. The decision of the ~~state board of tax commissioners~~  
 24       **department of local government finance** is final."

25       Page 11, between lines 39 and 40, begin a new paragraph and insert:

- 1 "SECTION 27. IC 3-7-12-3 IS REPEALED [EFFECTIVE UPON
- 2 PASSAGE].".
- 3 Renumber all SECTIONS consecutively.  
(Reference is to HB1101 as printed January 31, 2002.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 10, Nays 0.

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**Landske**

**Chairperson**